

Notice of Allowability

Application No.

10/719,816

Examiner

Anh V. La

Applicant(s)

BUCKLEY ET AL.

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on Dec. 02, 2005.
2. ☒ The allowed claim(s) is/are 1-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

I. Statement of Reasons for Allowance:

The following is an examiner's statement of reasons for allowance:

Regarding claim 20, the prior art cited herein fails to disclose an apparatus for detecting intrusions comprising an infrared sensor assembly, a lens assembly configured to focus infrared energy from non-overlapping upper and lower tiers of detection zones upon upper and lower pairs of the infrared sensing element, and a threshold circuit configured to generate an intrusion signal in response to receipt of sufficient level of simultaneous infrared activity on vertically separated detection zones within the upper and lower tiers of detection zones.

Regarding claim 38, the prior art cited herein fails to disclose an apparatus for detecting intrusions comprising a mode selector input coupled to a threshold circuit for selecting either a pet-immune operating mode or a non-pet-immune operating mode, wherein the threshold circuit operates within the pet-immune mode by generating intrusion signals in response to a sufficient level of infrared activity registered on at least two tiers of detection zones which are vertically adjacent to one another, wherein the threshold circuit operates within the non-pet-immune mode by generating intrusion signals in response to a sufficient level of infrared activity registered on any of the infrared sensing elements.

Regarding claim 40, the prior art cited herein fails to disclose a method of discriminating human intrusion from animal intrusion within an infrared detection area comprising registering infrared intensity within the infrared detection area as received

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from at least two stacked non-overlapping detection tiers each having a plurality of non-overlapping detection zones, rejecting common infrared signals simultaneously occurring on horizontally adjacent detection zones within a given the detection tier, and generating an intrusion signal indicative of the presence of human intruders in response to registering sufficient simultaneous infrared activity on vertically adjacent detection zones in at least two of the stacked detection tiers.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

II. Examiner's Amendment:

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner's Amendment

In the claims:

In claim 14, lines 1-2, the phrase "said infrared sensors are" has been changed to - - said infrared sensor assembly is--.

In claim 15, lines 1-2, the phrase "said infrared sensors are" has been changed to - - said infrared sensor assembly is--.

In claim 25, lines 1-2, the phrase "said infrared sensors comprise" has been changed to - - said infrared sensor assembly comprises--.

In claim 27, lines 1-2, the phrase "said infrared sensors comprise" has been changed to - - said infrared sensor assembly comprises--.

In claim 31, lines 1-2, the phrase "said infrared sensors comprise" has been changed to - - said infrared sensing element comprise--.

In claim 36, line 2, the phrase "said infrared sensors" has been changed to - - said infrared sensor assembly --.

In claim 36, line 3, the phrase "said infrared sensors" has been changed to - - said infrared sensor assembly --.

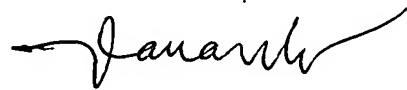
In claim 43, line 1, the phrase "said infrared sensors" has been changed to - - infrared sensors --.

In claim 45, line 2, the phrase "said infrared energy" has been changed to - - infrared energy--.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh V. La whose telephone number is (571) 272-2970. The examiner can normally be reached on Mon-Fri from 9:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANH V. LA
PRIMARY EXAMINER

Anh V La
Primary Examiner
Art Unit 2636

AI
February 17, 2006